

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMPEX CORPORATION,

Plaintiff,

v.

EASTMAN KODAK COMPANY, ALTEK
CORPORATION and CHINON INDUSTRIES,
INC.,

Defendants.

C.A. No. 04-1373-KAJ

REDACTED

**DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT OF INEQUITABLE CONDUCT**

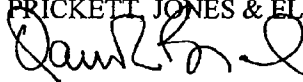
Pursuant to Fed. R. Civ. P. 56, Defendants Eastman Kodak Company and Altek Corporation hereby move for summary judgment of inequitable conduct.

During prosecution of the asserted patent, U.S. Patent No. 4,821,121 ("the '121 patent"), Plaintiff Ampex Corporation ("Ampex") represented to the United States Patent and Trademark Office ("PTO") that its invention was patentable because of a feature that allowed the "direct transfer" of video images. Specifically, Ampex represented that the prior art "*fails to teach*" such direct transfers. Undisputed facts demonstrate, however, that Ampex knew that such direct transfers were well known in the prior art: Ampex's own undisclosed prior art system, the "AVA" system, included direct transfer capability; an earlier Ampex patent, prosecuted by some of the same attorneys who prosecuted the '121 patent, disclosed direct transfer capability; and the sole named inventor of the '121 patent admits that direct transfers were well known in the art before the application leading to the '121 patent was filed.

Ampex's failure to disclose the prior art capability to perform direct transfers, coupled with its representation to the PTO that direct transfer made its invention unique, constituted inequitable conduct that renders the claims of the '121 patent unenforceable.

WHEREFORE, Defendants respectfully move for an order of summary judgment that the claims of the '121 patent are unenforceable by reason of the applicant's inequitable conduct. In support of this motion, Defendants submit Defendants' Opening Brief in Support of Their Motion for Summary Judgment of Inequitable Conduct and related appendices.

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CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2006, I electronically filed the following document with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

**DEFENDANTS' REDACTED MOTION FOR SUMMARY JUDGMENT OF
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